

DEPARTMENT OF SOCIAL SERVICES

January 18, 2005

Regulation Package #1202-32

CDSS MANUAL LETTER NO. CWS-04-01

TO: HOLDERS OF THE CHILD WELFARE SERVICES MANUAL, DIVISION 31

Regulation Package #1202-32

Effective 12/10/04

Sections 31-236, and 31-525

This manual letter has been posted on the Office of Regulations Development website at http://www.dss.cahwnet.gov/ord/ChildWelfa_613.htm.

These final regulations address four separate though related elements: The Independent Living Program (ILP), the Transitional Independent Living Plan (TILP), the Transitional Housing Placement Program (THPP), and the Transitional Housing Program-Plus (THP-Plus).

Amendments, as a result of the testimony received and at the Department's discretion, have been made to the noticed regulations. The major changes are as follows:

- As a result of testimony received, Section 31-236(d) is amended to clarify that in any instance where the youth refuses services, the social worker/probation officer must again offer services to the youth at least once every six months since youth frequently change their minds about receiving ILP services.
- As a result of testimony received, Section 31-525.65 is amended to specify that county social workers and or probation officers must collaborate with the youth, ILP Coordinators, care providers, and other service providers to ensure the development and implementation of the TILP goals, services and activities, and to ensure the collaboration includes the providers meeting with the youth to develop or update the TILP, as needed.
- Finally, various other minor nonsubstantive changes and grammatical corrections have been made throughout the regulations.

A 15-day renote was held commencing on October 2, 2004 and concluding on October 18, 2004. No testimony was received and no further changes made to the regulations.

These regulations provide fair and equitable treatment to eligible foster care youth by providing services and programs to assist them to be self sufficient upon leaving foster care.

These regulations were considered at the Department's public hearing held on December 17, 2003.

FILING INSTRUCTIONS

All new revisions are indicated by a vertical line in the left margin. Revisions shown in graphic screen will continue to be shown in that manner until new revisions are done to those pages. The attached pages are to be entered in your copy of the Manual of Policies and Procedures. The latest prior manual letter containing Child Welfare Services Manual changes was CWS-03-02.

Page(s)

79.1 through 79.6
125.1 and 125.2
126 and 126.1

Replace(s)

Pages 79.1 through 79.6
Pages 125.1 and 125.2
Pages 126 and 126.1

Attachments

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31-236	TRANSITIONAL INDEPENDENT LIVING PLAN (TILP)	31-236
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- (a) For each youth in placement, 15½ and not yet 16 years of age, the social worker/probation officer of the county of jurisdiction shall insure that the youth shall actively participate in the development of the TILP. The TILP describes the youth's current level of functioning; emancipation goals identified in Section 31-236.6; the progress towards achieving the TILP goals; the programs and services needed, including, but not limited to, those provided by the ILP; and identifies the individuals assisting the youth. The TILP shall be reviewed, updated, approved, and signed by the social worker/probation officer and the youth every six months.

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- (1) While foster care providers, ILP staff, and others may administer living skills assessments tests to foster/probation youth, the social worker/probation officer is responsible for utilizing the test results in the TILP to reflect the needs and goals of the youth.

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- (2) For youth who entered foster care after their 16th birthday, the TILP shall be completed prior to the Disposition Hearing.
- (3) The social worker/probation officer shall include the TILP in the youth's case plan when submitting documents to the court for determining services at the disposition hearing and each status review hearing prior to the first permanency planning hearing and each permanency planning hearing pursuant to Welfare and Institutions Code Sections 358(b), 358.1, 366.3, 706.5, 727.2(e)(5), and 727.3.
- (4) Counties may develop a TILP for youth younger than 16 years of age in accordance with a county plan.
- (5) The TILP shall be incorporated into the case plan specified in Section 31-206.37.
- (6) The social worker/probation officer shall use a nationally recognized or departmentally-approved assessment tool to assist the youth in developing the TILP.

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- (A) The following are some examples of nationally recognized assessment tools:

Daniel Memorial Institute Independent Living Assessment for Life Skills, Ansel-Casey Skills Assessment, Phillip Roy Life Skills Curriculum, Community College Foundation Life Skills Assessment Pre and Post Questionnaires.

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- (7) When a goal contained within the TILP is employment, the TILP must state that the purpose of employment is to enable the youth to gain knowledge of work skills, and the responsibilities of maintaining employment pursuant to Welfare and Institutions Code Section 11008.15.
- (b) The social worker/probation officer shall update the TILP at least annually or more often if requested by the youth to reflect progress, changes in the youth's level of functioning and modifications made to emancipation goals, programs and services identified in the TILP.
- (c) The social worker/probation officer shall ensure that the initial TILP and each update is signed and dated by the social worker/probation officer and the youth.
- (d) If the youth refuses to cooperate with the social worker/probation officer in the development of the TILP, the social worker/probation officer shall complete the TILP, including the needs and services. This shall include documentation explaining the refusal and reasonable efforts made to obtain the youth's cooperation. In any instance where the youth refuses services, the social worker/probation officer shall again offer services to the youth at least once every six months.
- (e) The social worker/probation officer of the county of jurisdiction shall provide a copy of each completed TILP and its updates to the youth and others who are essential to the completion of the TILP goals.
- (f) The social worker/probation officer shall use the TILP document available on the Child Welfare Services/ Case Management System (CWS/CMS).
- (g) The social worker/probation officer of the county of jurisdiction shall inform youth about the county ILP and encourage them to participate.
- (1) When the appropriate ILP services have been identified, participation in ILP must be documented in the youth's TILP.

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- (2) The social worker/probation officer of the county of jurisdiction shall, prior to youth's emancipation, ensure that ILP services are provided as identified in the TILP.
- (3) The social worker/probation officer of the county of jurisdiction shall defer ILP enrollment only if the youth is physically or mentally unable to benefit from the program or if the youth declines to participate. Physical or mental deferments shall be determined by the youth's primary care physician or health/mental health care professional. A redetermination of deferment shall be made at least every six months and documented in the TILP.
- (4) The social worker/probation officer of the county of jurisdiction shall provide, as applicable, the necessary records, referrals and documentation to ensure timely and appropriate ILP service provision and meet the goals and services of the TILP as described in Section 31-236.
- (5) The social worker/probation officer of the county of jurisdiction shall ensure that transportation is provided and/or accessible to enable youth to participate in the ILP.
- (6) The social worker/probation officer of the county of jurisdiction shall work with the youth to ensure that they have access to ILP core services.
- (7) The social worker/probation officer shall ensure that participation in ILP is not used as a punishment or reward.
- (h) The social worker/probation officer shall assist the youth to complete the emancipation preparation goals described in the TILP by collaborating with public and private agencies/persons including but not limited to schools, colleges, Workforce Investment Act programs and services, the Department of Education, Mental Health, ILP coordinators, care providers, the Student Aid Commission, the Employment Development Department and One-Stop Career Centers.
- (i) The services described in the TILP shall assist, the youth, as applicable, to attain the following emancipation preparation goals:
 - (1) Education attainment including: literacy skills, high school diploma/GED.
 - (2) Management, budget and financial management skills; knowledge of landlord/tenant issues, self-advocacy skills, and credit issues; and knowledge of preventive health activities (including substance abuse prevention, smoking avoidance, nutrition education, pregnancy prevention).

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- (3) Development of a mentoring relationship with a responsible adult.
- (4) Knowledge of how to acquire and receipt of important documents, including but not limited to:
 - (A) A certified birth certificate;
 - (B) A social security card;
 - (C) An identification card and/or driver's license;
 - (D) A proof of citizenship or residency status (for undocumented aliens, preparation and/or receipt of a completed application for Special Immigrant Juvenile Status (SIJ) pursuant to 8 C.F.R. Section 204.11 or other naturalization process);
 - (E) Death certificate(s) of parent or parents;
 - (F) A proof of county dependency status for education aid applications;
 - (G) School records;
 - (H) Immunization records;
 - (I) Medical records;
 - (J) A Health and Education Passport;
 - (K) A work permit;
 - (L) Written information concerning the child's dependency case including: information about the child's family history; the child's placement history;
 - (M) The names, phone numbers and addresses of siblings and other relatives;
 - (N) The procedures for inspecting the documents described under Welfare and Institutions Code Section 827; and
 - (O) Information regarding jurisdiction termination hearings and the potential consequences of a failure to attend.
 - (P) Information and assistance for completing applications to seal juvenile records pursuant to Welfare and Institutions Code Section 781, as needed.

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- (5) Receipt of mental health counseling, as appropriate.
- (6) Establishment and maintenance of a bank account including, but not limited to an emancipation savings account.
- (7) College, vocational training program, or other educational or employment program admittance information, prior to emancipation.
- (8) Gainful employment through the provision of information about and participation in employment and training services provided through Workforce Investment Act programs and services, Employment Development Department (EDD) One-Stop Career Centers, and registered at an EDD One-Stop Career Center, including but not limited to: career exploration, work readiness skills, vocational training, employment experience, job placement and retention.
- (9) Receipt/completion of applications for sources of post-emancipation financial support including but not limited to emancipation stipends, Supplemental Security Income (SSI), Transitional Assistance to Needy Families (TANF), Supportive Transitional Emancipation Program (STEP), Transitional Housing Program-Plus (THP-Plus), scholarships and grants, as applicable.
- (10) Referral to appropriate county adult social services agencies, as needed, prior to emancipation.
- (11) Completion of Medi-Cal reapplication, prior to emancipation.
- (12) Acquisition of safe and affordable housing, upon emancipation.
- (j) The social worker/probation officer shall enable the youth to obtain documents identified in the TILP that are necessary to complete the emancipation goals during the first six months of the youth's 16th year or as soon thereafter as is reasonable.
- (k) Social workers/probation officers shall, prior to each withdrawal from the emancipation savings account, include in the TILP their written determination and authorization for the youth to withdraw cash savings necessary for emancipation purposes pursuant to Welfare and Institutions Code Sections 11008.15 and 11155.5.
- (l) If applicable, savings and incentive payments shall be documented in the TILP, and the requirements of Welfare and Institutions Code Sections 11008.15 and 11155.5 shall apply.

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- (1) Welfare and Institutions Code Section 11008.15 specifies:

"Notwithstanding Sections 11008.14 and 11267, the department shall exercise the options of disregarding earned income of a dependent child derived from participation in the Job Training Partnership Act of 1982 (P.L. 97-300), a dependent child who is a full-time student pursuant to the Deficit Reduction Act of 1984 (P.L. 97-369), and a dependent child 16 years of age or older who is a participant in the Independent Living Program pursuant to the Consolidated Omnibus Budget Reconciliation Act of 1985 (P.L. 99-272), providing the child's Independent Living Program case plan states that the purpose of the employment is to enable the child to gain knowledge of needed work skills, work habits, and the responsibilities of maintaining employment."

- (2) Welfare and Institutions Code Section 11155.5 specifies:

"(a) In addition to the personal property permitted by other provisions of this part, a child declared a ward or dependent child of the juvenile court, who is age 16 years or older, may retain resources with a combined value of not more than ten thousand dollars (\$10,000), consistent with Section 472(a) of the federal Social Security Act (42 U.S.C. Sec. 672(a)) as contained in the federal Foster Care Independence Act of 1999 (P.L. 106-169) and the child's transitional independent living plan. Any cash savings shall be the child's own money and shall be deposited by the child or on behalf of the child in any bank or savings and loan institution whose deposits are insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation. The cash savings shall be for the child's use for purposes directly related to emancipation pursuant to Part 6 (commencing with Section 7000) of Division 11 of the Family Code.

"(b) The withdrawal of the savings shall require the written approval of the child's probation officer or social worker and shall be directly related to the goal of emancipation."

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- (m) The social worker/probation officer shall consider placement of eligible youth in the THPP subject to the requirements set forth in Welfare and Institutions Code Section 16522(a).

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- .3 Youth shall be eligible for ILP services up to their 21st birthday provided one of the following criteria is met:
- .31 Were/are in foster care at any time from their 16th to their 19th birthday. This does not include youth placed in detention facilities, locked facilities, forestry camps, training schools, facilities that are primarily for the detention of youth who are adjudicated delinquent, medical and psychiatric facilities, voluntary placements, wraparound program participants, youth placed pursuant to an individualized education program and guardianship placements in which the youth is not a dependent or ward of the court.
 - .32 Were/are 16 years of age up to 18 years of age and in receipt of the Kinship Guardianship Assistance Payment Program (KinGap) assistance.
 - .33 Eligible youth younger than 16 years of age may participate in an ILP for younger youth if the county of jurisdiction has a county plan that includes such a program. Youth younger than 16 years of age placed outside their county of jurisdiction may participate in an ILP for younger youth only with prior approval of the county of jurisdiction. Participation in an ILP for younger youth prior to age 16 does not qualify a youth for ILP eligibility.
- .4 ILP participation is deferred only if the youth is physically or mentally unable to benefit from the ILP as determined by the youth's primary care physician or health/mental health care professional or if the youth declines to participate in the ILP. If ILP participation is deferred, the social worker/probation officer on behalf of youth in foster care or the ILP coordinator on behalf of KinGap youth and other eligible youth shall document, in the TILP the reason(s) for the deferment. A redetermination of deferment shall be made at least every six months and documented in the TILP.
- .5 Eligibility for the ILP shall not be determined by outside agencies such as contractors or vendors.

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- .51 Welfare and Institutions Code Section 16501(c) specifies:

“Counties shall not contract for needs assessment, client eligibility determination, or any other activity as specified by regulations of the State Department of Social Services, except as specifically authorized in Section 16100.”

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- .6 County social workers/probation officers shall:
- .61 Ensure that foster care/probation youth are given appropriate information about and the opportunity to participate in the ILP.
 - .62 Ensure that ILP participation is not used as a punishment or reward.
 - .63 Use the TILP document available on the Child Welfare Services Case Management Services (CWS/CMS).
 - .64 Work with foster care/probation youth to ensure that they have access to ILP core services as described in Section 31-525.8.
 - .65 Collaborate with the youth, ILP Coordinators, care providers, and other service providers to ensure the development and implementation of TILP goals, services and activities, including addressing transportation needs. Counties shall encourage providers to participate in the development of the TILP.
 - .66 Prior to the youth's emancipation, ensure that ILP services are provided as identified in the TILP.
 - .67 Defer ILP enrollment only if the youth is physically or mentally unable to benefit from the program as determined by the youth's primary care physician or health/mental health care professional or if the youth declines to participate. A redetermination of deferment shall be made at least every six months and be documented in the TILP.
 - .68 Provide, as applicable, the necessary records, referrals and documentation to ensure that timely and appropriate ILP service provision has met the goals and services of the TILP as described in Section 31-236.
- .7 County ILP Coordinators shall:
- .71 Ensure that every eligible youth participating in ILP up to age 21 has a TILP.
 - .72 Collaborate with the youth, social workers/probation officers, care providers and other service providers to ensure the provision of core services and activities so that the goals outlined in the youth's TILP are achieved.

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- .8 Core services shall be provided based on identified individual needs and goals as documented in the TILP including, but not limited to:
- .81 Education, including: skill development, assistance and referrals to obtain literacy skills, high school diploma/GED, post-secondary education experiential learning and computer skills;
 - .82 Career development, including: assistance and referral to obtain career exploration, work readiness and responsibility skills, employment development, employment experience, vocational training, apprenticeship opportunities, job placement and retention;
 - .83 Assistance and referral to promote health (including mental health) and safety skills including, but not limited to: substance abuse prevention, smoking cessation, pregnancy prevention, and nutrition education;
 - .84 Referral to available mentors and mentoring programs;
 - .85 Daily living skills, including: information on and experiences and training in financial management and budgeting; personal responsibility skills; self-advocacy; household management; consumer and resource use; survival skills; and obtaining vital records;
 - .86 Financial resources, including: information and referrals regarding financial assistance if applicable, including, but not limited to, incentives, stipends, savings and trust fund accounts, educational/vocational grants, CAL-Grants, Employment Development Departments, registered in One-Stop Career Centers, Workforce Investment Act funding and programs, other employment programs and other forms of public assistance including, but not limited to, CalWORKs, Food Stamps, and Medi-Cal; and
 - .87 Housing information, including: training and referrals about transitional housing programs; federal, state and local housing programs; and landlord/tenant issues.

| NOTE: Authority Cited: Sections 10553, 10554, and 10609.4, Welfare and Institutions Code. Reference: Sections 358(b), 366 et seq., 391, 706.6, 727.2, 727.3, 10553, 10554, 10609.3, 11375, 16500.1, 16501, 16501.5, and 18987.6, Welfare and Institutions Code; and 42 U.S.C. Sections 672, 675 and 677.

31-530	MINOR PARENT SERVICES (MPS)	31-530
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- .1 Referral of Minor Parent Pursuant to Welfare and Institutions Code Section 11254(b)(3).

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- .11 Referral of a Minor Parent specified in Welfare and Institutions Code Section 11254(b)(3) occurs when a minor parent applies for AFDC and alleges that their physical or emotional health or safety, or that of their child(ren) would be jeopardized if they lived in the same residence with their parent, legal guardian or other adult relative. AFDC county eligibility staff will not make a final determination about granting aid, except in cases where Immediate Need is requested, until a CWS social worker informs AFDC county eligibility staff whether the minor parent and his/her child(ren) can safely reside in the senior parent's, legal guardian's or other adult relative's home.

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- .12 Within 20 calendar days of receiving a referral pursuant to Welfare and Institutions Code Section 11254(b)(3), the CWS social worker shall complete an in-person investigation of the allegation to determine whether the physical or emotional health or safety of the minor parent or child(ren) would be jeopardized if they lived in the same residence with the minor parent's own parent, legal guardian or other adult relative.
- .13 If the referral is unfounded, the CWS social worker shall document the factors contributing to this determination, and shall complete and return the referral form to the county AFDC office.
- .14 If the referral is not unfounded, the CWS social worker shall document the factors contributing to this determination and shall complete and return the referral form to the county AFDC office and follow the procedures set forth in Section 31-530.2.

- .2 Referral of Minor Parent Determined to Meet Exemption Pursuant to Welfare and Institutions Code Section 11254(b). (Section 31-530.2 et seq. is to be implemented on June 1, 1997).

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- .21 Minor parent exemptions specified in Welfare and Institutions Code Sections 11254(b)(1) through (4) are:
- .211 Minor parent has no parent or legal guardian who is living or whose whereabouts are known.

HANDBOOK CONTINUES
